

**NOTICE OF LEAD PLAINTIFFS' MOTION FOR FINAL APPROVAL OF CLASS  
ACTION SETTLEMENT, PLAN OF ALLOCATION OF SETTLEMENT PROCEEDS,  
AND FINAL CERTIFICATION OF SETTLEMENT CLASS**

PLEASE TAKE NOTICE that Court-appointed Lead Plaintiffs, Michael Nguyen and Kelly Nguyen (“Plaintiffs”), on behalf of themselves and all other Class Members, through Court-appointed Lead Counsel Kahn Swick & Foti, LLC (“KSF”), will move this Court on September 22, 2021 at 12:45 p.m. EST, via telephonic hearing,<sup>1</sup> or as soon thereafter as the Court may so order, pursuant to Rule 23 of the Federal Rules of Civil Procedure, for entry of a Final Order and Judgment: (i) approving the proposed Settlement as fair, reasonable, and adequate; (ii) approving the proposed Plan of Allocation for the proceeds of the Settlement as and reasonable; and (iii) granting final certification of the Settlement Class.

PLEASE TAKE FURTHER NOTICE that in support of this motion, Plaintiffs submit and are filing herewith: (i) the Memorandum of Law in Support of Lead Plaintiffs’ Motion for Final Approval of Class Action Settlement, Approval of Plan of Allocation, and Final Certification of the Settlement Class; and (ii) the Declaration of Kim E. Miller in Support of Lead Plaintiffs’ Motion for Final Approval of Class Action Settlement, Plan of Allocation, and Final Certification of the Settlement Class and Lead Counsel’s Motion for an Award of Attorneys’ Fees, Reimbursement of Litigation Expenses, and Award to Lead Plaintiff, with annexed exhibits.

Proposed Orders will be submitted with Plaintiffs’ Reply submissions on or before August 30, 2021, after the deadlines for objecting and seeking exclusion have passed.

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<sup>1</sup> On July 13, 2021, in light of the Hon. William J. Pauley’s passing, Hon. Chief Judge Laura Taylor Swain issued a Direction to the Bar and Interim Order of Reference ordering that “all appearances that were scheduled before Judge Pauley are adjourned” “pending the reassignment of Judge Pauley’s civil cases....” Dkt. No. 109. Thereafter, on July 28, 2021, this Action was assigned to the Court, which entered an Order indicating its availability to conduct the Final Approval Hearing telephonically at 12:45 p.m. on September 22, 2021. Dkt. No. 111. The next day, on July 29, 2021, the Parties submitted a Joint Letter confirming their availability to attend the Hearing at that date and time. Dkt. No. 112. On July 30, 2021, the Court endorsed the Joint Letter and Ordered that the telephonic Hearing proceed at 12:45 p.m. on September 22, 2021. Dkt. No. 113.

DATED: August 2, 2021

Respectfully submitted,

**KAHN SWICK & FOTI, LLC**

/s/ Kim E. Miller

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*Lead Counsel for Lead Plaintiffs*

*Michael and Kelly Nguyen and the Class*

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on August 2, 2021, I authorized the electronic filing of the foregoing with the Clerk of the Court using the CM/ECF system which will send a Notice of Electronic Filing to the e-mail addresses on the attached Electronic Mail Notice List, and I hereby certify that I caused the mailing of the foregoing via the United States Postal Service to non-CM/ECF participants indicated on the attached Manual Notice List.

/s/ Kim E. Miller

Kim E. Miller